REMARKS

Claims 1-16 are pending in the present application and stand rejected. The Examiner's reconsideration is respectfully requested in view of the following remarks.

Claims 1-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Herz et al. (hereinafter "Herz"). The rejection is respectfully traversed.

Applicants maintain the arguments presented in their Response of Paper No. 7 mailed on 10/18/2004, and further submit the following.

It is respectfully reminded that the Examiner is under a duty to properly address each and every limitation in the claims. The Examiner addresses none (not even some) of the limitations in the claims. The Examiner has simply cited portions of Herz without any analysis of the claims or any analysis of the cited portions of Herz with respect to the claims. In particular, the Examiner essentially glues together, *verbatim*, the following portions of Herz: the first seven lines of paragraph 24 on page 3, paragraph 32 on page 4, and the first three lines of paragraph 37 on page 4. This is the *entire* substance of the Examiner's rejection. The Examiner bears the burden of proving *prima facie* anticipation under 102(e). Under no analysis of the law can citing verbatim portions of the prior art be considered as even *remotely* establishing *prima facie* anticipation.

The Examiner continually fails to address, among other limitations, where Herz discloses "upon *receipt of an information request*...said price of said product, set by said price setting means *at the time* said *information request is received*," as claimed in claim 1.

The first part of the claim regards a "receipt of an information request." Nothing the Examiner has cited is even *remotely* related to the system *receiving* an information request. The Examiner simply cites portions of Herz that disclose identifying offers and informing the offers to shoppers. The second part of the claim regards "said price of said

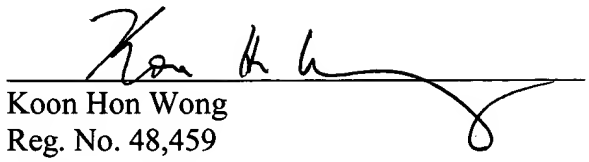
product, set by said price setting means *at the time said information request is received.*" Nothing the Examiner has cited is even *remotely* related to setting a price "*at the time* said information request is received."

The vague citation to time series methods in paragraph 301 of page 32 does not cure the above defects. Further, any reliance on *inherency* by the Examiner has not been properly established under the MPEP. In particular, the Examiner has not shown that the contended result *necessarily* flows from the invention. The fact that a certain result or characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.

Accordingly, claim 1 believed to be patentably distinguishable over the Herz. The arguments presented for claim 1 apply, at least in part, to independent claims 4, 5, 9, 10, 11, 13, 14 and 16. Dependent claims 2-3, 6-8, 12 and 15 are believed to be allowable for at least the reasons given for the independent claims. Withdrawal of the rejection of claims 1-16 under 35 U.S.C. §102(e) is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

By: 

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